



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,020	09/20/2001	Stephen Gold	1509-195	3071

7590 02/06/2003

Allan M Lowe
Lowe Hauptman Gilman & Berner
1700 Diagonal Road Suite 310
Alexandria, VA 22314

EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,020

Applicant(s)

GOLD ET AL.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

3. Claims 1 and are objected to because of the following informalities:

Claim 1, line 1, "-type" should be deleted.

Claim 2, line 2, "type" and line 4, "a" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 2876

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balsom, US Patent No. 5,592,596, cited by the applicant, in view of the applicant admitted prior art (figure 1) and Arcotta, US patent No. 5,121,687, cited by the applicant.

Balsom disclose a system and method for automatic printing of storage media labels comprising: an optical disk cartridge storage and retrieval device 43 stores a number of optical disk cartridges, a first number of which have information stored therein, and which therefore have a media ID associated therewith, a selected one of this first number of optical disk cartridge may be inserted into the hard disk drive (not shown) of the optical disk cartridge storage and retrieval device 43, for reading of such stored information; a controller 42 determines whether a label flag is associated with this selected optical disk cartridge, the label flag may include a signal or an embedded code, which indicates whether a label has previously been printed for this selected optical disk cartridge; a printer 50 to print a label for this selected optical disk cartridge, the label may include time information, including the date the label was printed, in order to facilitate organization of the optical disk cartridge (see figure 2 and col. 5, line 42+).

Balsom fails to disclose or fairly suggests the following:

A- the cartridge has a programmable memory device attached the its housing.

B- the label is printed directly on the cartridge.

The applicant admitted prior art meets limitations A (see figure 1 and page 11, line 13+).

Arcotta meets limitations B.

In view of the prior art's teachings, it would have been obvious for an artisan to modify the system of Balsom to employ a cartridge having a programmable device attached thereon for identify the cartridge. Such modification would provide greater storage space to store additional information to effectively identify the cartridge, which would make the system more reliable. Therefore, it would have been an obvious extension as taught by Balsom.

In view of Arcotta's teachings, it would have been obvious for an artisan at the time the invention was made to print the code directly on the cartridge of Balsom as modified to eliminate the need for tape, thereby render less complex and cost effective. Such modification would require less maintenance, which would make the system desirable. Therefore, it would have been an obvious extension as taught by Balsom as modified by the prior art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rockwell et al, US Patent No. 6,138,909, disclose a media handling system and method. Kou, US Patent No. 6,027,019, discloses a component feeder configuration monitoring. Wooddruff, US Patent No. 5,498,116, disclose an entry-exit port for cartridge library. Sibuya et al, US Patent No. 5,581,522, disclose a library apparatus having accessor with bar code reader, which rotates at a different horizontal position when reading a bar code failed at a first position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the

Application/Control Number: 09/937,020

Page 5

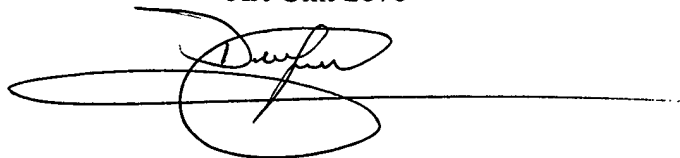
Art Unit: 2876

organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Examiner
Art Unit 2876

DS
January 28, 2003

A handwritten signature in black ink, appearing to read 'Daniel St. Cyr', is written over a horizontal line. The signature is stylized with a large, sweeping loop that extends to the left and then crosses itself.